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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ROBERT BOULE,

Plaintiff,

vs.

ERIK EGBERT and JANE DOE
EGBERT and their marital community,
Defendants.

NO.

COMPLAINT FOR DAMAGES

Comes now Plaintiff Robert Boule, by and through his attorneys and
complains and alleges as follows:

1. Plaintiff Robert "Bob" Boule at all times material to this action resided in
Whatcom County, within the Western District of Washington.

- 1 2. At all times material hereto, Defendant Erik Egbert was an agent and
2 employee of the United States, who, at the time of the events complained
3 of herein, was acting within the course and scope of his employment by
4 the federal government and under the color of federal law.
- 5 3. At all times material hereto, Defendants Erik Egbert and Jane Doe Egbert
6 constituted a marital community under the laws of the State of
7 Washington. All acts alleged by Defendant Erik Egbert herein were
8 made on behalf of and for the benefit of the Egbert marital community
9 and thus the marital community is liable for those acts.
- 10 4. All acts complained of occurred in the Western District of Washington
11 State.
- 12 5. Venue is proper in the United States District Court for the Western
13 District of Washington.
- 14 6. Jurisdiction is proper in the United States District Court pursuant to, but
15 not limited to, Title 42, United States Code §§ 1983 & 1988; and, Title
16 28 USC §1331 and §1367.
- 17 7. This court has personal and subject matter jurisdiction.
- 18 8. On March 20, 2014, Defendant Erik Egbert acting under color of law on
19 behalf of the United States Customs and Border Protection (“Border
20 21 22 23 24 25

1 Patrol”) forcibly stopped two of Plaintiff’s vehicles within Plaintiff’s
2 private property while Plaintiff and his employees were transporting the
3 vehicles and a passenger on a private driveway towards Plaintiff’s
4 residence.

5
6 9. Upon belief, previous to March 20, 2014, Defendant Egbert had been
7 instructed by his superiors not to enter Plaintiff’s property without
8 specific permission except in an emergency.

9
10 10. Defendant’s entry onto the property was made without explicit or implied
11 permission, without a warrant or probable cause and without articulable
12 reasonable suspicion of criminal activity, or other legal authority. Nor
13 did Defendant articulate an emergency that would overcome the previous
14 instruction by his superiors not to enter the property.

15
16 11. Defendant’s temporary seizure of Plaintiff’s two vehicles was made
17 without a warrant or probable cause and without articulable reasonable
18 suspicion of criminal activity, or other legal authority.

19
20 12. After being stopped, Plaintiff explained to Defendant that he was
21 transporting a guest who had cleared United States Customs at the Seattle
22 Tacoma International Airport and further requested that Defendant
23 contact his supervisor.
24

- 1 13. Defendant demanded that Plaintiff's guest leave the vehicle and allow it
2 to be searched. Plaintiff refused the request.
- 3 14. Defendant shoved Plaintiff into the side of the vehicle and onto the
4 ground, which caused Plaintiff serious bodily injury. Plaintiff's injuries
5 included right shoulder and back injuries that caused symptoms of left
6 arm and left leg numbness, back pain, left hip displacement, lack of
7 mobility, pain and suffering, emotional distress and loss of enjoyment of
8 life.
9
- 10 15. Defendant seized Plaintiff's guest from the vehicle and examined the
11 guest's passport before allowing Plaintiff and his guest to proceed to
12 Plaintiff's residence, which also operated as a bed and breakfast.
13
- 14 16. Plaintiff complained to Defendant's superiors at the Border Patrol and
15 upon belief Defendant was investigated and disciplined for misconduct.
16 Subsequent to Plaintiff filing his complaint against Defendant, Plaintiff
17 suffered retaliation, which upon belief was instigated by Defendant.
18
- 19 17. Upon belief, the retaliation instigated by Defendant included but was not
20 limited to intimidation and slander to potential guests causing them to
21 refrain from staying at the bed and breakfast, unsubstantiated complaints
22 to the Internal Revenue Service that Plaintiff had not properly accounted
23
24
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1 for income received, intentionally parking marked enforcement vehicles
2 near the bed and breakfast for no legitimate purpose in order to
3 discourage business, unjustified complaints to other regulatory agencies,
4 and detaining Mr. Boule's employees for questioning without legal
5 justification.
6

7 18. Defendant's actions deprived Plaintiff of his federally protected rights
8 under the Fourth, First and Fourteenth Amendments of the United States
9 Constitution to be free from unlawful entry onto his property, unlawful
10 seizure of his person and property, excessive force, and retaliation for
11 free expression and petitioning his government for redress of grievances.
12

13 19. Defendant's unconstitutional acts against Plaintiff were made under color
14 of federal law related to Defendant's service in the United States Border
15 Patrol.
16

17 20. Pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of*
18 *Narcotics*, 403 U.S. 388 (1971), Plaintiff is entitled to a monetary remedy
19 for the deprivation of his federal constitutional rights made under color of
20 federal law as set out in this complaint similar to damages under 42
21 U.S.C. Section 1983 for deprivation of federal rights under color of state
22 law.
23
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1 21. Defendant's actions in depriving Plaintiff of his federal civil rights set
2 forth above were done intentionally, maliciously, wantonly, oppressively,
3 and/or with reckless indifference, subjecting the Defendant to liability for
4 punitive damages in an amount to be proven at trial.

5
6 22. In the alternative, Defendant Egbert's actions in injuring Plaintiff and
7 damaging his business interests were conducted negligently and
8 unreasonably in breach of his duty of reasonable care owed to Plaintiff
9 under state law.

10
11 23. As a direct and proximate result of Defendants' unreasonable and
12 unconstitutional conduct, Plaintiff sustained injuries and damages in an
13 amount to be proven at trial.

14
15 24. As a direct and proximate result of the facts and illegal acts of Defendant
16 as alleged herein, Plaintiff sustained personal injuries described above in
17 an amount to be proven at trial.

18
19 25. As a direct and proximate result of the facts and illegal acts of Defendant
20 as alleged herein, Plaintiff has suffered and may in the future continue to
21 suffer the loss of enjoyment of life, pain, mental anguish, mental injury
22 and suffering and a loss of reputation in an amount to be proven at trial.
23
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1 26. As a direct and proximate result of the facts and illegal acts of Defendant
2 as alleged herein, Plaintiff has suffered and may in the future continue to
3 suffer the loss of income in an amount to be proven at trial.

4 27. As a direct and proximate result of the facts and illegal acts of Defendant
5 as alleged herein, Plaintiff has incurred and may incur in the future
6 medical treatment costs in an amount to be proven at trial.

7 28. As a direct and proximate result of the facts and illegal acts of Defendant
8 as alleged herein, Plaintiff has incurred consequential damages in an
9 amount to be proven at trial, including but not limited to accounting
10 services to respond to the complaint to the Internal Revenue Service.
11

12
13 PRAYER FOR RELIEF

14
15 Plaintiff, Robert Boule, requests a judgment against Defendants, and each of
16 them, jointly and severally, as follows:

17 A. General damages in an amount to be determine at trial.

18 B. Special damages in an amount to be determined at trial.

19 C. Punitive and exemplary damages in an amount deemed just and
20 reasonable as provided by law.
21

22 D. Plaintiff's reasonable attorney fees and costs, pursuant to 42 USC §1988
23 and/or 28 USC §2412(b), or as otherwise provided by law.
24

1 E. For such other and further relief as the court deems just and equitable.

2 DATED this 25th day of January, 2017.

3 PAUKERT & TROPPMANN, PLLC

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6 BREEAN L. BEGGS, WSBA #20795

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8 CASCADIA CROSS-BORDER LAW

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10 s/ GREG BOOS, WSBA #8331
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12 S/ W. SCOTT RAILTON, WSBA #28413
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